

Media & Social Engagement Around Sexual Offenders and their Management: A Treatment Provider's Perspective

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INTRODUCTION

- *“It's not worth doing something unless someone, somewhere, would much rather you weren't doing it.”* Terry Pratchett, Author
- Does the media influence public perception?
- How can we help the public to better understand sex offending?
- How might we improve communication with the public on sex offender treatment issues and efficacy?

HOT COFFEE & FRIVOLOUS LAWSUITS: STELLA LIEBECK

Frivolous Law Suits

- On February 27, 1992, 79-year-old Stella Liebeck ordered a cup of coffee from a drive-through window at a McDonalds restaurant in Albuquerque, New Mexico.
- Mrs. Liebeck was seated in the passenger seat of a parked car and, as she tried to add cream and sugar to her coffee, she spilled the entire cup of coffee on her lap.
- She eventually launched a lawsuit against McDonalds which had the whole country talking and joking about frivolous lawsuits.

The True **STELLA AWARDS**

**JUSTICE
FOR
ALL?**



Honoring real
cases of **GREEDY
OPPORTUNISTS,
FRIVOLOUS LAWSUITS,
and the LAW
RUN AMOK**

**Randy
Cassingham**

Creator of ThisIsTrue.com
and StellaAwards.com

Frivolous Lawsuits – Actual Version

- On February 27, 1992, 79-year-old Stella Liebeck ordered a cup of coffee from a drive-through window at a McDonalds restaurant in Albuquerque, New Mexico.
- Mrs. Liebeck was seated in the passenger seat of a parked car and, as she tried to add cream and sugar to her coffee, spilled the entire cup of scalding hot coffee on her lap.
- **She suffered severe third-degree burns, years of expensive medical treatment, and a lawsuit that soon had the whole country talking.**
- In Hot Coffee, Stella Liebeck's personal legal battle over a spilled cup of coffee serves as a springboard into understanding our civil justice system.

Important to Consider:

- McDonalds heated coffee to 180° versus normal 130° to 140°
- McDonalds had many complaints and knew there was a high likelihood of injury
- Systematic portrayal of *hot coffee* lawsuit as frivolous by government and corporations
- Jury awards Stella \$2.9 million, suggesting it was a valid, and not a frivolous, lawsuit
- However, this led to caps on awards in lawsuits against corporations

Implications of Damages Caps on Rulings against Corporations

- Colin was born with cerebral palsy because of medical malpractice at birth.
- Received a \$5.65 million award at trial to cover the estimated cost of lifetime medical expenses
- Because of a Nebraska state-mandated cap on damages he could only collect \$1.25 million
- Eventually became a ward of the state

Public Perceptions of Crime and Punishment: Role of Media

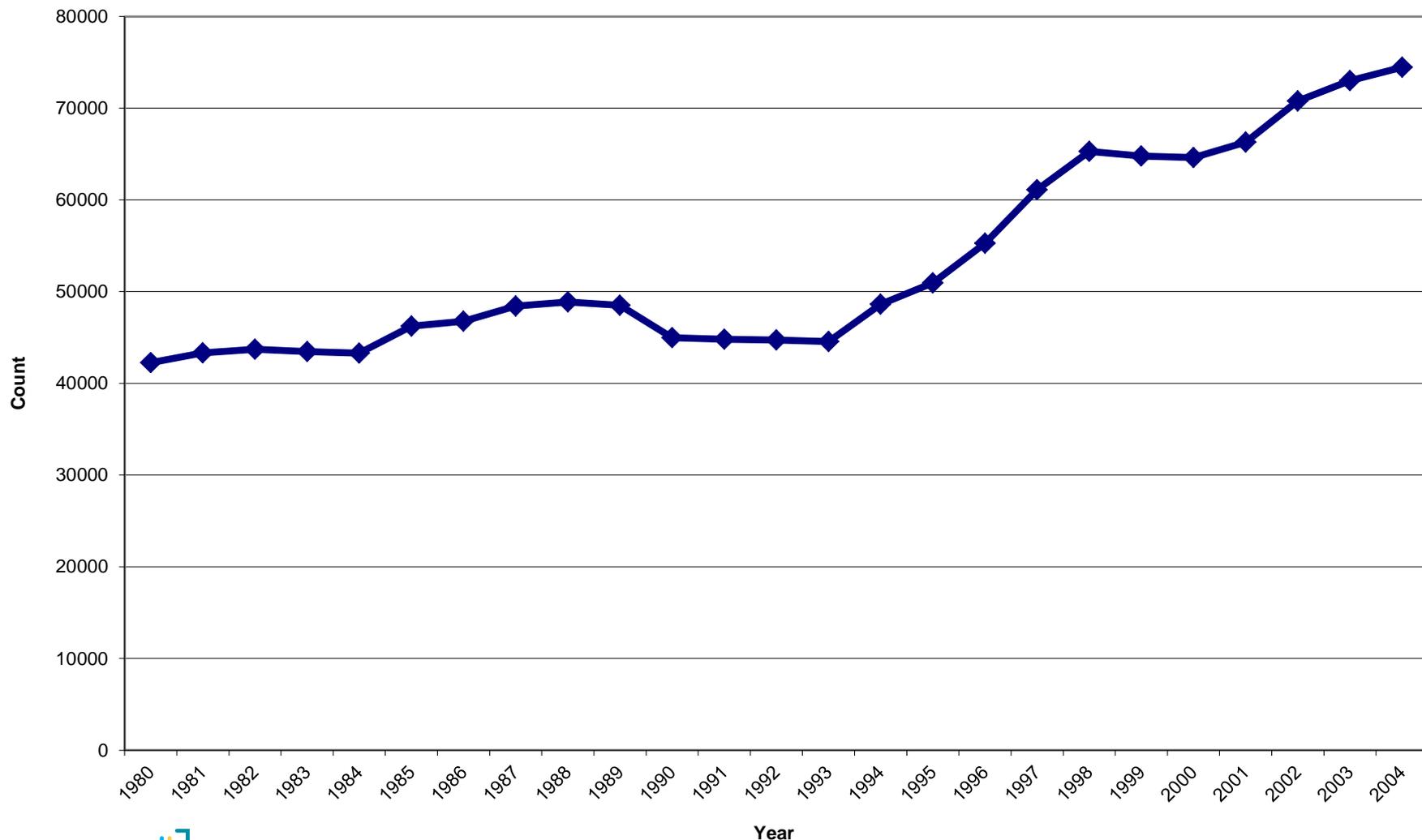
Based on:

Crime statistics and public opinion: two pictures of one phenomenon

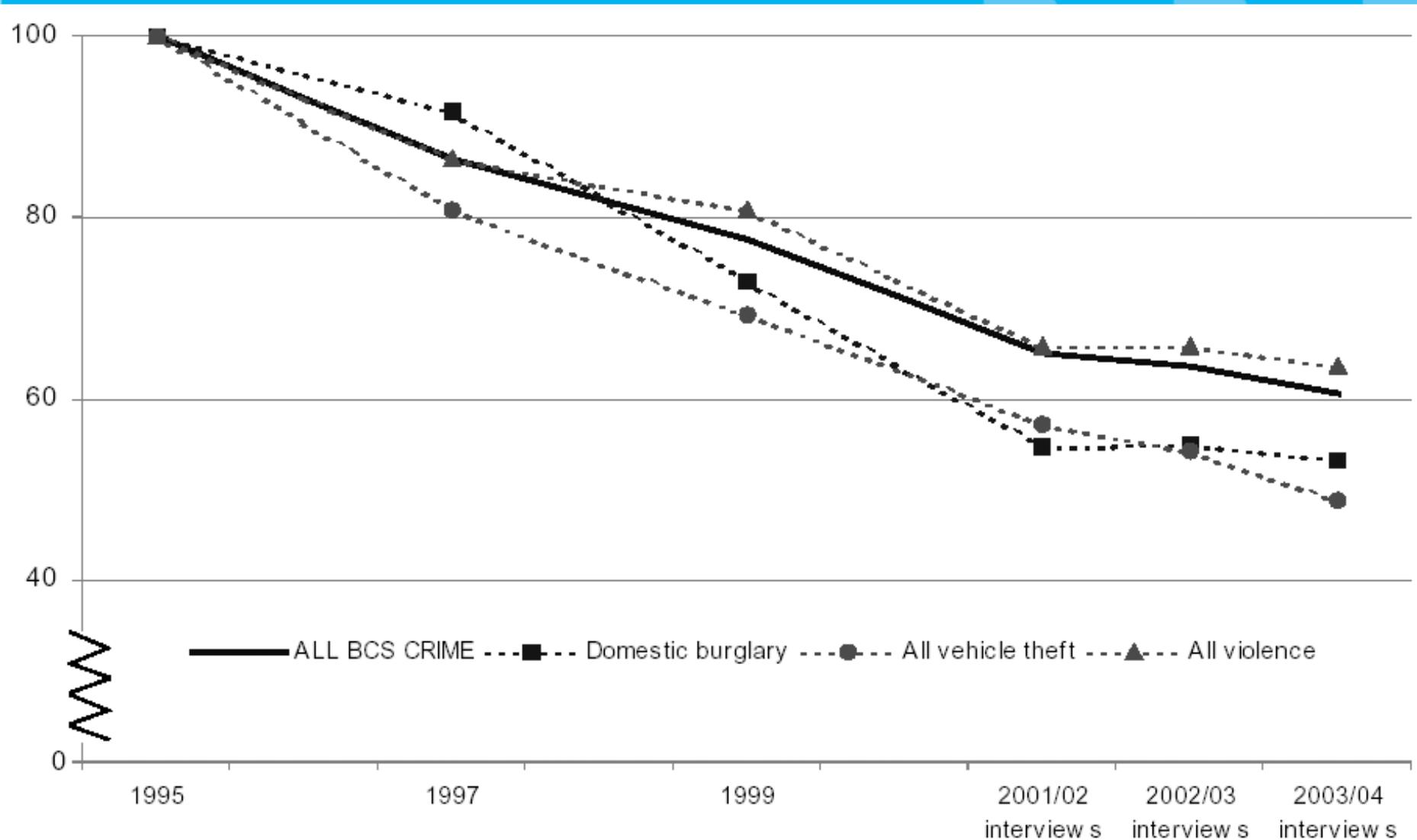
Christian Pfeiffer, Michael Windzio

Criminological Research Institute of Lower Saxony

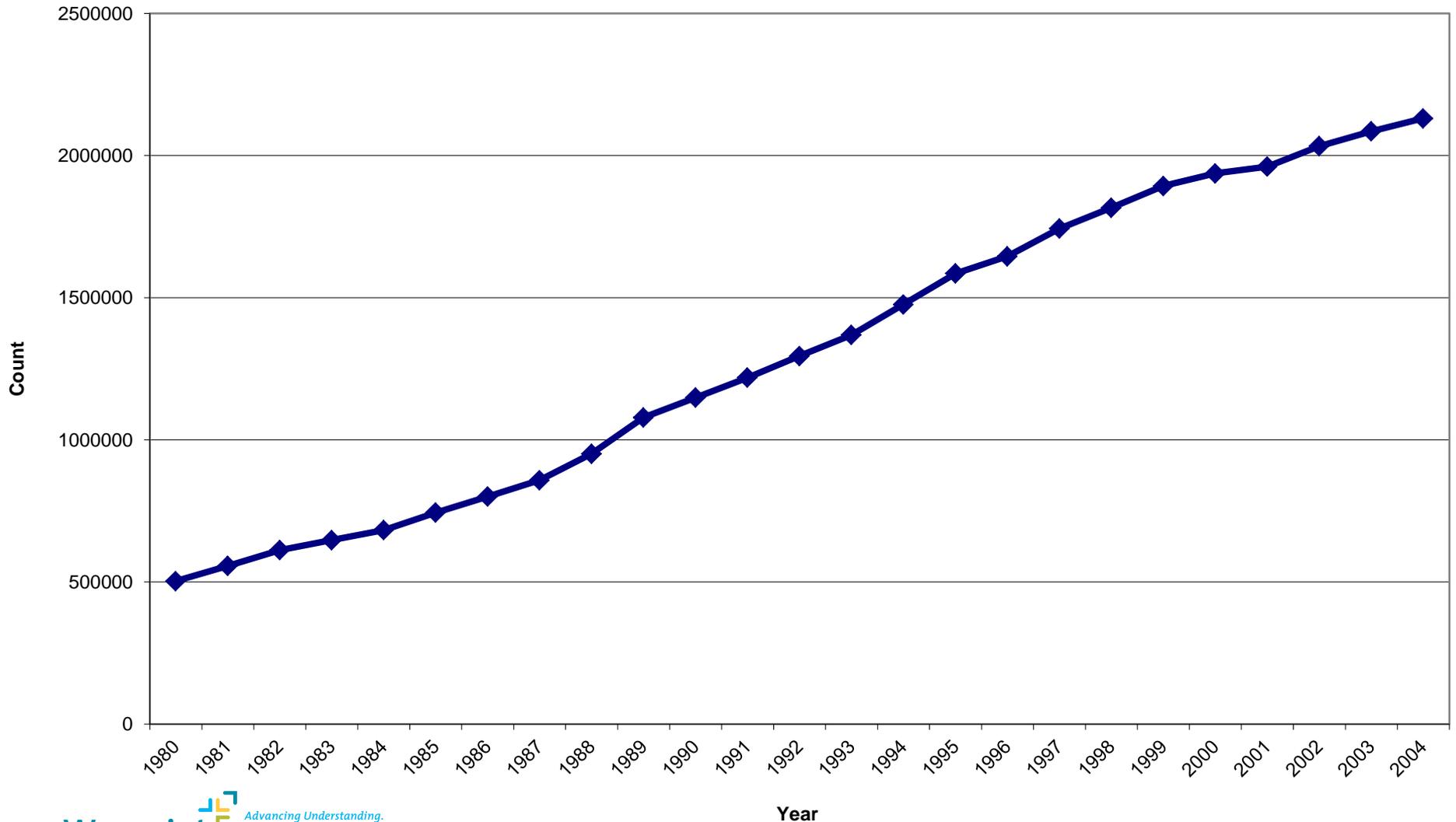
England & Wales: Prison population trends 1980 - 2004



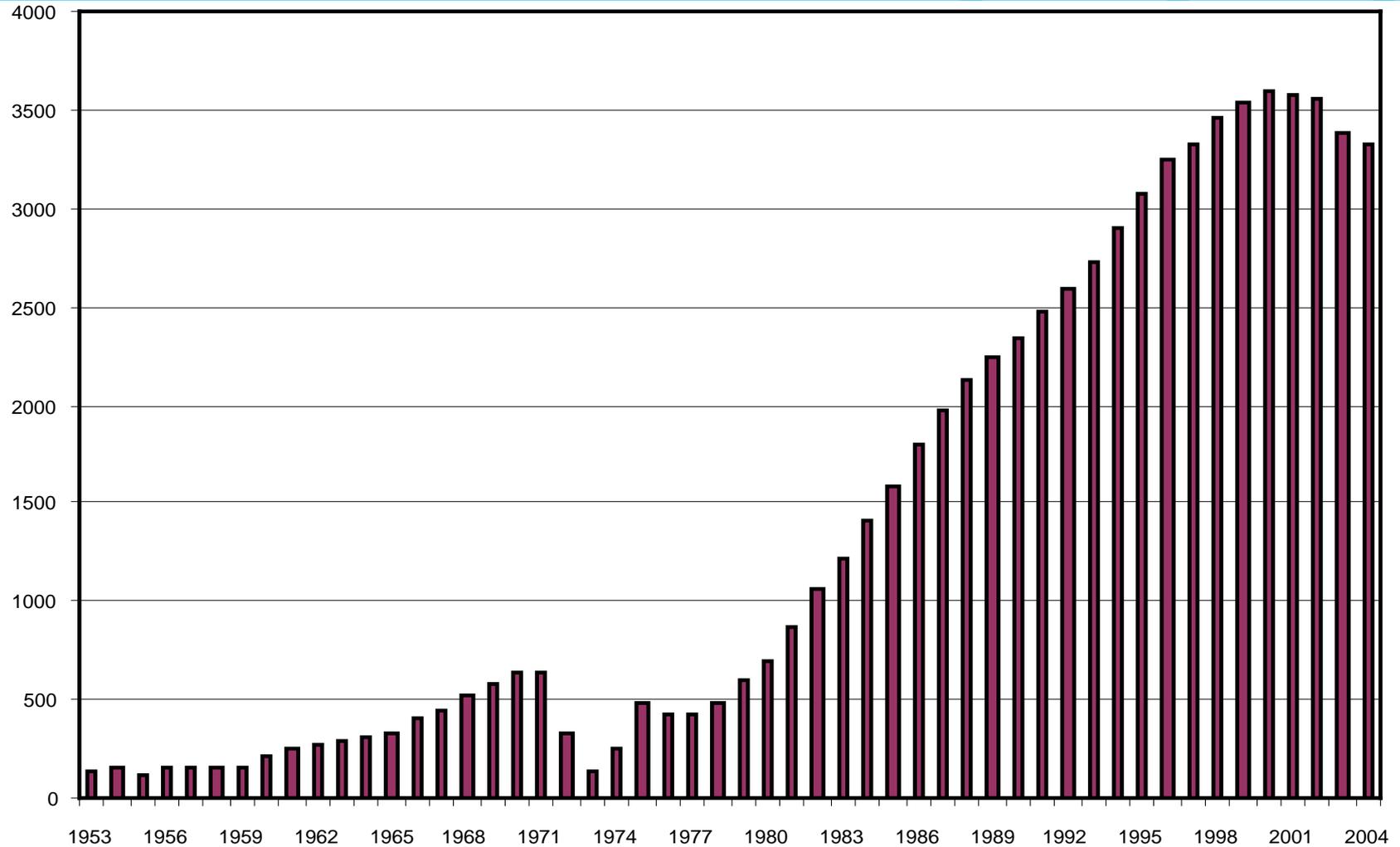
England & Wales: Trends in crime (1995)



USA: Prison population trends: 1980 - 2004



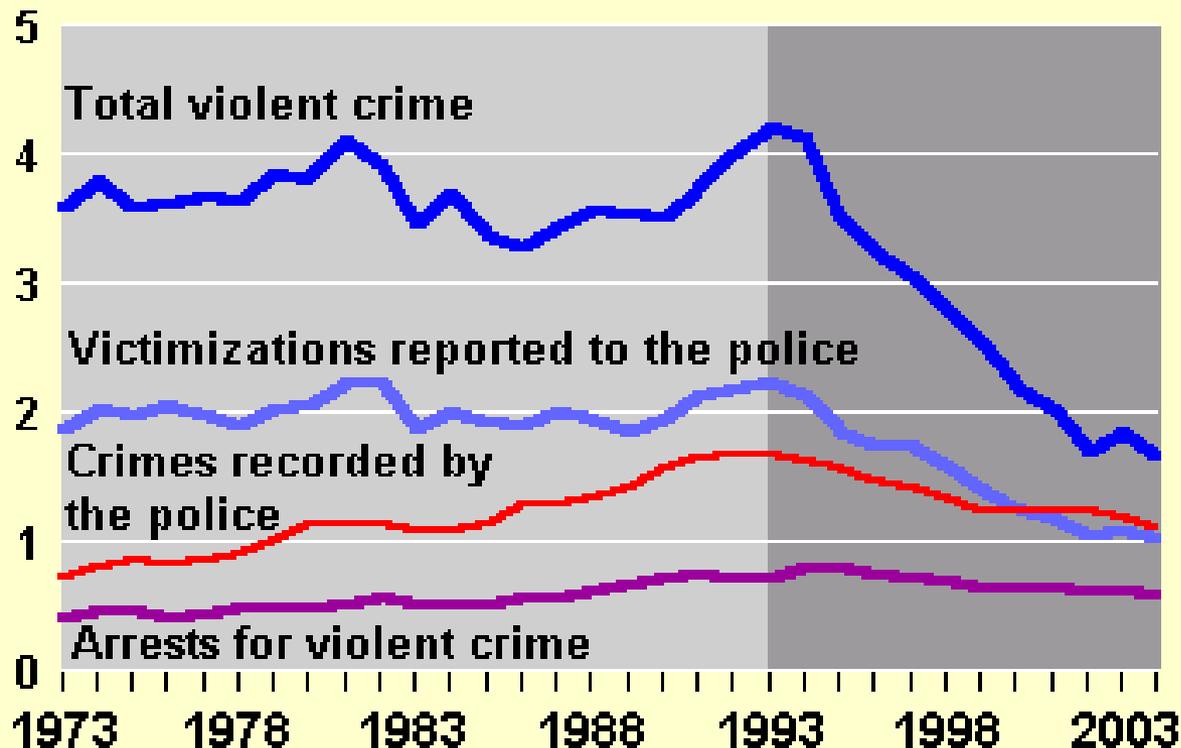
USA: Number of prison inmates sentenced to death



USA: Victimization by violent crime (Source: Bureau of Justice Statistics)

Four measures of serious violent crime

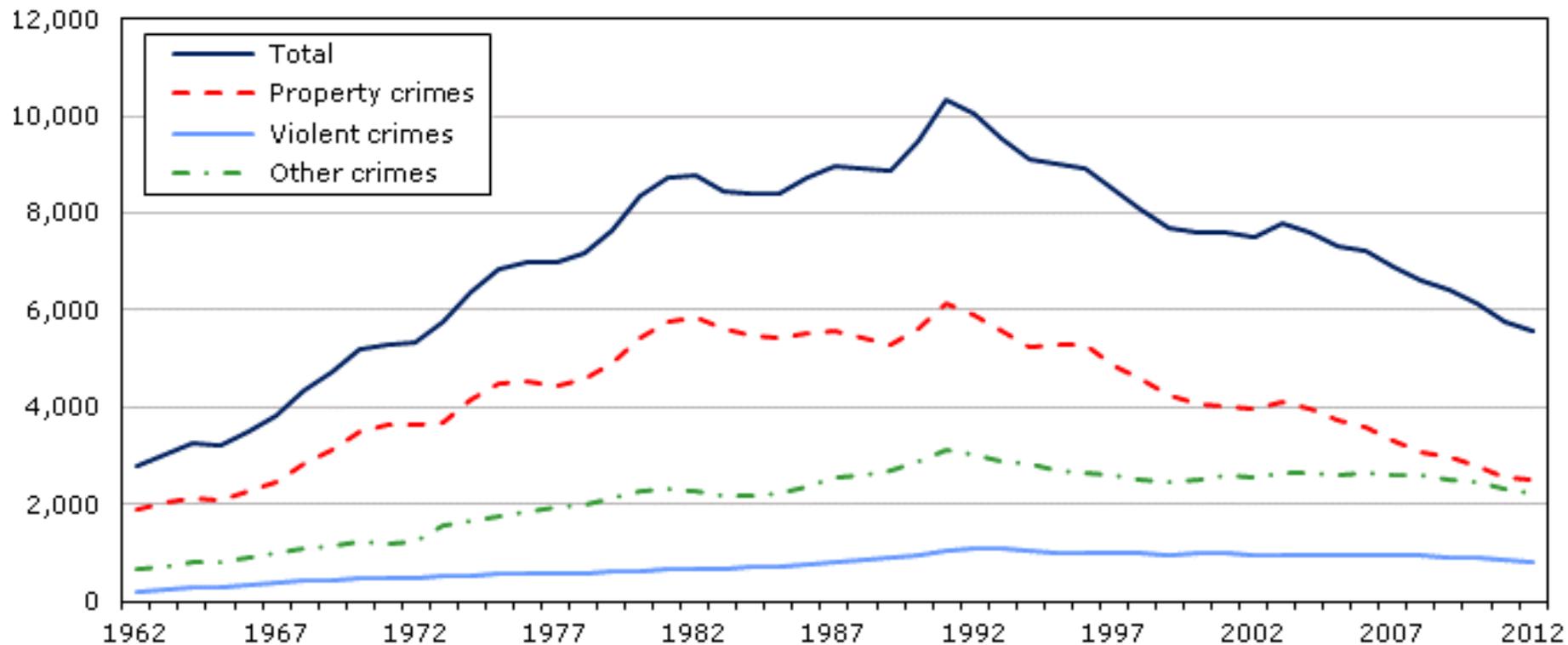
Offenses in millions



Statistics Canada

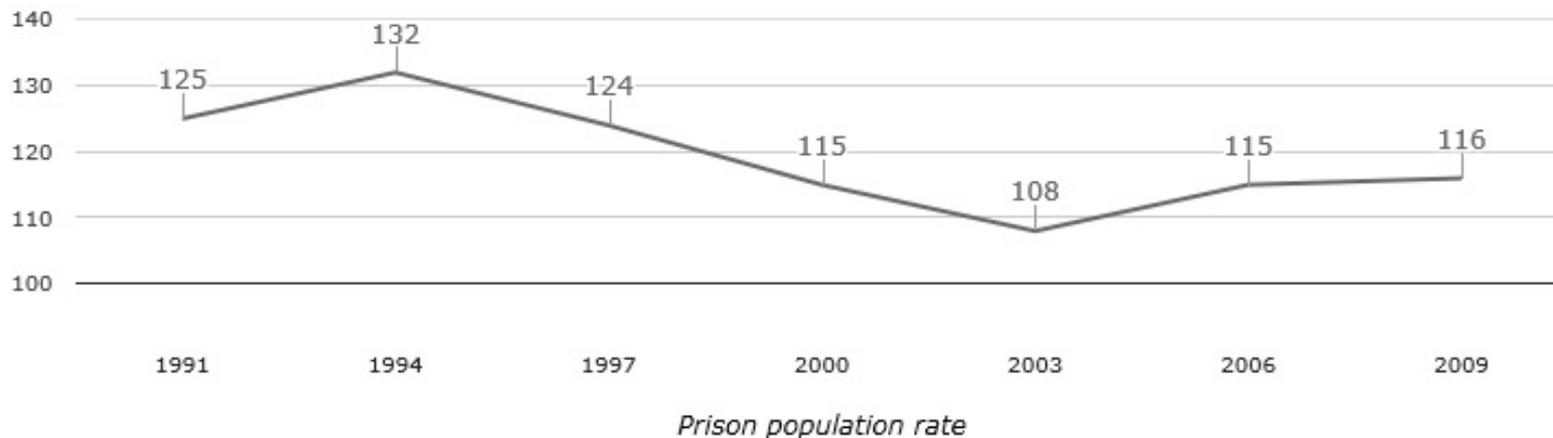
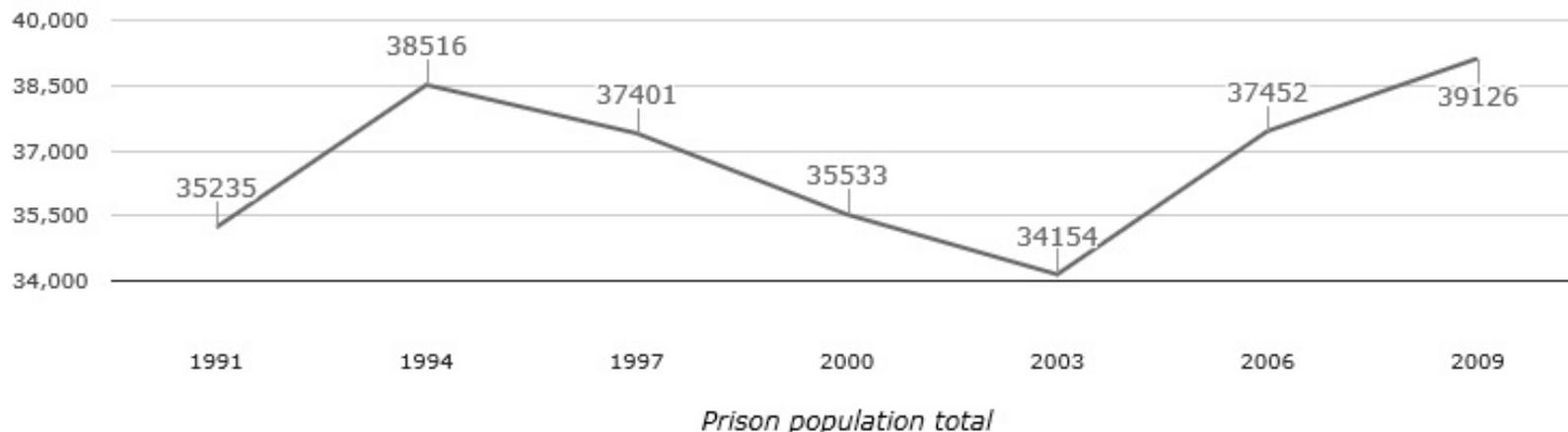
Police-reported crime rates, Canada, 1962 to 2012

rate per 100,000
population



International Centre for Prison Studies

<http://www.prisonstudies.org/country/canada>



Perceptions of crime according to news source, Pfeiffer & Windzio (2006)

- Public estimates of 10-year change in crime rates were higher than actual rates, most of which had declined:
 - Sexual murder rates decreased by 37.5%, public estimated a 260% increase
 - Sex abuse of a child rates unchanged, 10% correctly predicted no change, 89% predicted an increase

Perceptions of crime according to news source, Pfeiffer & Windzio (2006)

- Perceptions of increases in crime rate related to:
 - Gender: Females > males
 - Education: Low > high
 - Hours of television/week: Higher > lower
 - Age: Younger > older
- Perceptions of increases related to type of television watched
 - Private > public ($z = 4.74$)
- Perceptions of rates positively related to sentencing attitudes

The background is a solid yellow color. It features several large, abstract, white geometric shapes that resemble stylized letters or symbols. These shapes are positioned on the left side of the frame, with some overlapping. The main title is centered on the right side of the image.

PERCEPTIONS OF SEXUAL OFFENDERS

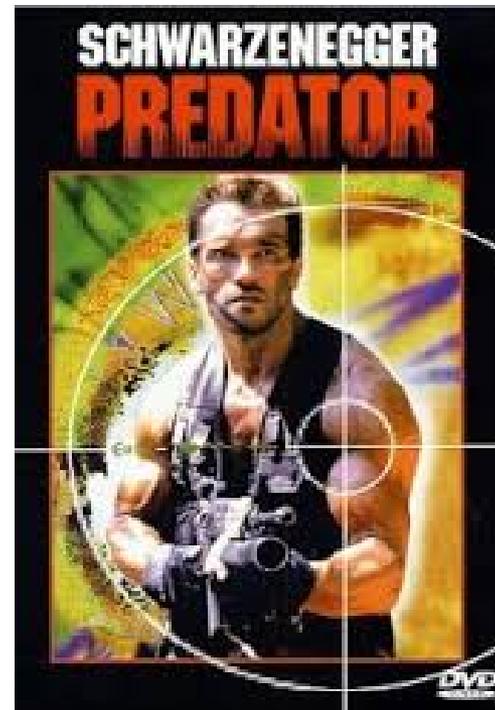
Often Labelled

- Sexual Predator
- Sadist
- Pedophile
- Psychopath

Predator

Merriam-Webster Dictionary:

- an animal that lives by killing and eating other animals: an animal that preys on other animals
- a person who looks for other people in order to use, control, or harm them in some way



Reliability of labels - Psychometrics

Validity – internal, external, concurrent, divergent...

Reliability – e.g., Murphy & Davidshofer, (1998; 2005)

Psychological Testing

- *“Test reliability may be crucial in some settings (e.g., those in which major decisions are made on the basis of tests)”*
- *“High levels of reliability are most necessary when (1) tests are used to make final decisions about people and (2) individuals are sorted into many different categories based on relatively small individual differences”*

Reliability of labels

- $>.60$ = unacceptably low level of reliability
- $.60-.70$ = low reliability (projective measures)
- $.70-.80$ = moderate reliability (classroom multiple choice tests)
- $.80-.90$ = moderate-high reliability (achievement or intelligence tests)
- $.91-1.00$ = high reliability (measurement errors have virtually no effect)

Given the importance of the labels applied to sexual offenders in terms of their implications for the sexual offender and society, reliabilities of at least $.90+$ are needed

Label: Sadist

W. L. Marshall et al. (2002a,b) examined sexual “sadism” in sex offenders in a maximum secure Canadian federal prison

- Report extant literature to be unreliable in terms of features used to apply label of sadism
- Found large differences in the offence-related features of sadists in two published samples: FBI & ROH
- Compared CSC offenders labelled as sadists with non-sadists and found few statistically significant differences, which were in the wrong direction
- Provided “*International Experts*” with detailed case studies and asked for diagnosis: Reliability $k = .14$ (21.7% agreement)

Label: Pedophile

Pedophilic Disorder - Diagnostic Criteria - 302.2 (F65.4)

- Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).
- The individual has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
- The individual is at least age 16 years and at least 5 years older than the child or children in Criterion A.
- **Note:** Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.

Pedophilia – psychiatryonline.org

- Although prevalence is unknown, Seto (2008, 2009) estimates that 3%-5% of the male population has pedophilia
 - 2014 Canadian male population = 17,625,000 (Stats Can)
 - 3% = 528,750 (1/33.3) males in Canada are pedophiles
 - 5% = 881,250 (1/20) males in Canada are pedophiles
- Pedophilia appears to be a **lifelong** condition (Hall & Hall, 2007; Seto, 2008).
- However, Pedophilic disorder necessarily includes other elements that may change over time with or without treatment: subjective distress (e.g., guilt, shame, intense sexual frustration, or feelings of isolation) or psychosocial impairment, or the propensity to act out sexually with children, or both. Therefore, the course of pedophilic disorder may fluctuate, increase, or decrease with age.

Reliability of Pedophilia

- O'Donohue et al., 2000: Reviewed DSM-related literature
 - No IRR established in DSM III or DSM IVs
 - Temporal consistency not established
 - Internal consistency not established
- Levenson, 2004: Looked at IRR in SVP cases
 - Pedophilia: $k = .65$
 - Sexual Sadism: $k = .30$
 - Paraphilia NOS: $k = .36$
 - Exhibitionism: $k = .47$
- Perillo et al., 2014: Looked at IRR in SVP cases.
 - Pedophilia: $k = .55$ (95% C.I. .44-.66)
 - Sexual Sadism: $k = .26$ (95% C.I. -.04-.58)

Reliability: Psychopathy

Oldest citation on Psych Info search with “psychopathy” appearing anywhere: chapter by W. F. Evans (1873)

- Origins: 1847, German *psychopatisch* – “mind” “suffering”

Scientific American, Nov 28, 2007 Lilienfeld & Arkowitz

- First described systematically by Medical College of Georgia psychiatrist Hervey M. Cleckley in 1941 in his book “*The Mask of Sanity: An Attempt to Clarify Some Issues About the So-Called Psychopathic Personality*”
- Later popularized “*Multiple Personality Disorder*” in a book based on a single case
- Provided little to no evidence of either disorder; reflections on his clinical experiences

Reliability: Psychopathy

- Murrie et al. (2008) examined IRR (SVP assessors) in a naturalistic setting: ICC = .39.
 - Particularly concerning was differences between who employed the rater (State versus Defendant)
- Rufino et al. (2012) extended Murrie et al (2008)
 - Independent raters agreed with one another (ICC = .95)
 - but disagreed with both state (ICC = .29) *and* defense (ICC = .14) experts
- Our experience: ICC = .47

SUMMARY: Reliability

- None of the “diagnoses” – sadist, pedophile, psychopath – reached acceptable levels of ICC for making important decisions (.90+) regarding sexual offenders
- Some “diagnoses” able to achieve satisfactory ICC in ideal setting, but not in “real world” application
- “Real world” ICCs appear to be acceptable for research purposes only
- Many implications of these “diagnoses” which cannot currently be accurately tested

Implications for Treatment

- Labels result in sexual offenders experiencing shame, which blocks change
- Incorrect messages impair therapists ability to help sexual offenders to change, e.g.,
 - Predator: Sexually Violent Predator institutions in the US, Dangerous Offender designation in Canada
 - Sadist: very difficult to gain earlier release without taking an anti-libidinal medication
 - Pedophile: sexual offender thinks this excuses his behaviour and believes he cannot change; very difficult to gain earlier release without taking an anti-libidinal medication
 - Psychopath: All behaviour interpreted to be manipulative, sometimes excluded from treatment due to myth that treatment makes them worse

Some other myths about sex offenders

- Must accept responsibility for offending in order to change
- Victim empathy predicts outcome
- Have to be “tough” on sexual offenders
- Treatment doesn’t work
- They don’t deserve treatment
- CBT is the only effective approach
- They need to generate extensive relapse-prevention plans

THE GOOD NEWS!

Treatment *can* work

- Hanson et al (2002) meta-analysis N = 3,461, 46 months follow-up:
 - Untreated = 17.2% versus Treated = 9.9%
- Lösel & Schmucker (2005) N = 22,181, 5+ years follow-up
 - Untreated = 17.5% versus Treated = 11.1%
- Marques et al. (2005) RCT study: Sex offenders who get to the targets of treatment have lower recidivism rates
 - Didn't get it = 27.5% versus Got it = 13.5%

Treatment *can* work

- Marshall & Marshall (2005, 2009) $N = 535$
 - 5.4 years at risk: Untreated = 16.8% versus Treated = 3.2% (96.7% successful)
 - 8.4 years at risk: Untreated = 23.8% versus Treated = 5.6% (94.4% successful)
- Marshall & Marshall (2012) Categorical Deniers:
 - Untreated = 13.5% versus Treated = 2.5% (97.5% successful)

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